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| Title | Workers' Compensation Program (adopt Cal. Rules of Court, rule 6.351) |
| Summary | Proposed rule 6.351 would implement the mandate of Government Code section 71623.5, which directs the Judicial Council to adopt a rule of court, requiring the Administrative Office of the Courts [AOC] to establish a workers' compensation program for the trial courts and to provide guidance to the trial courts to ensure that courts' workers' compensation coverage fulfills the requisite legal requirements in a cost-efficient manner. The rule would provide a framework in which courts may participate in the workers' compensation program provided by the AOC or may elect to participate in an alternate, approved program. |
| Source | AOC, Human Resources Division |
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| Discussion | <p>The Trial Court Protection and Governance Act, Government Code sections 71600 <i>et seq.</i>, established California trial courts as the employers for employees working in the trial courts. Until the passage of that Act, those employees had been county employees, eligible for the particular benefits that each individual county negotiated with the applicable union or, in the case of unrepresented employees, for the benefits provided by the individual county's policies. Trial courts began to function as independent employers in January, 2001. Because of the complexity of workers' compensation programs, however, the Act required that counties make their existing workers compensation programs available to the trial courts for a twenty-four month period (which could be extended by mutual agreement). This twenty-four month period is now over.</p> <p>Under Government Code section 71623.5, trial courts have two options to meet their workers' compensation obligations. First, they may opt into a program sponsored by the AOC that provides the requisite coverage. Second, they may select their own workers' compensation program (including, but not limited to, programs sponsored by counties), subject to AOC approval to ensure the program provides the mandatory workers' compensation coverage in a cost-effective manner.</p> |

Adoption of a new rule is necessary to comply with Government Code section 71623.5(a). The proposed rule is intended to clarify the respective responsibilities of the AOC and the trial courts with respect to workers' compensation programs covering trial court employees.

Subdivision (a) states the basic intent of the rule, which is to establish appropriate procedures for workers' compensation programs for trial courts and to ensure compliance with applicable law and cost-effective workers' compensation coverage.

Subdivision (b) sets forth the AOC's responsibilities. These include maintaining a contract with an outside vendor to provide trial courts with a voluntary workers' compensation program and monitoring that program. Implied in these responsibilities is the ability to make changes in the existing contract or to negotiate a new contract with another vendor if appropriate. The AOC is also charged with notifying the trial courts about the terms of the program it is offering, providing the trial courts with information about the legal requirements of workers' compensation programs (so the trial courts can make informed decisions in this area), and consulting with the trial courts regarding the advantages and disadvantages of the AOC-sponsored program. For courts that may choose not to participate in the AOC-sponsored program, the rule also reflects the AOC's statutory responsibility, under Government Code section 71623.5(a) to approve alternate programs that the trial courts may select.

Subdivision (c) sets forth the trial courts' responsibilities. For those courts participating in the AOC-sponsored program, the requirements are limited to what is necessary for the efficient functioning of the program: timely notification of the court's decision to participate, timely completion of the necessary paperwork, and timely payment of the associated costs. For those courts not participating in the AOC-sponsored program, the requirements again are only those that are necessary to comply with the law and for the program to function efficiently: the identification of a suitable workers' compensation provider, the timely submission of the relevant information to the AOC so as to secure the AOC's approval, and the maintenance of a cost-efficient contract with a workers' compensation provider that fulfills the legal requirements related to workers' compensation coverage.

The text of both the proposed rule and Government Code section 71623.5 is attached.

Attachments

Proposed California Rules of Court, rule 6.351 adopted effective January 1, 2005 to read:

CHAPTER 5. Management of Human Resources

Rule 6.351. Workers' Compensation Program.

- (a) **[Intent]** The intent of this rule is to (1) establish procedures for the Administrative Office of the Courts' workers' compensation program for trial courts and (2) ensure that the trial courts' workers' compensation coverage complies with applicable law and is cost-efficient.
- (b) **[Duties of the AOC]** To carry out the duty of the Judicial Council to establish a workers' compensation program for trial courts, the Administrative Office of the Courts, through its Human Resources Department, must:
- (1) Maintain a contract with a vendor to provide courts, on a voluntary basis, with a cost-efficient workers' compensation coverage program;
 - (2) Monitor the performance of the vendor with whom it contracts to provide such services;
 - (3) Timely notify the trial courts concerning the terms of the workers' compensation coverage program;
 - (4) Timely inform the trial courts about the legal requirements with which a workers' compensation program must comply;
 - (5) Make personnel available by telephone to consult with trial courts regarding the cost and benefits of the plan being offered by the Administrative Office of the Courts; and
 - (6) Review and approve or disapprove any workers' compensation programs that a trial court identifies to provide workers' compensation benefits to its employees.

1 **(c) [Duties of the trial courts]**

2
3 (1) Each trial court that elects to participate in the program made available through
4 the Administrative Office of the Courts must:

5
6 (A) Timely notify the Human Resources Division of its decision to participate
7 in the workers' compensation program being offered through the
8 Administrative Office of the Courts;

9
10 (B) Timely complete and return necessary paperwork to the Human Resources
11 Division; and

12
13 (C) Timely pay all costs associated with the program.

14
15 (2) Each trial court that elects not to participate in the workers' compensation
16 program available through the Administrative Office of the Courts, must:

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18 (A) Independently identify a workers' compensation benefits provider that
19 fulfills all legal responsibilities to offer such benefits and that provides
20 them in a cost-efficient manner;

21
22 (B) Timely submit to the Administrative Office of the Courts for its approval
23 the information necessary to evaluate a workers' compensation program
24 identified by the trial court; and

25
26 (C) Maintain a contract with a workers' compensation benefits
27 provider that fulfills all legal responsibilities to offer such benefits and is
28 cost-efficient.

West's Ann.Cal.Gov.Code § 71623.5

§ 71623.5. Workers' compensation coverage

Approx. 1 page

§ 71623.5. Workers' compensation coverage

(a) As of July 1, 2001, trial courts shall provide workers' compensation coverage for trial court employees under a workers' compensation program established by the Administrative Office of the Courts or a program selected or approved by the Administrative Office of the Courts. The Judicial Council shall adopt rules of court requiring the Administrative Office of the Courts to establish a workers' compensation program for the trial courts and to provide guidance to the trial courts to ensure that the courts' workers' compensation coverage, including workers' compensation employer liability coverage, meets all legal requirements and is cost-efficient.

(b) If, as of the implementation date of this chapter, the county provides workers' compensation coverage for trial court employees, the county shall continue to provide the coverage, under the same terms and conditions as coverage was provided immediately preceding implementation of this chapter. This coverage shall continue for a transition period of up to 24 months after the implementation date of this chapter, unless the court gives the county 60 days' notice, or a mutually agreed to period of notice, that the court no longer needs the county to provide the coverage. Subject to approval by the Administrative Office of the Courts, the parties may mutually agree to county- provided coverage beyond the 24-month transition period.

(c) County provision of workers' compensation coverage for trial court employees shall not be construed to create a meet and confer obligation between the county and any recognized employee organization.

CREDIT(S)

(Added by [Stats.2000, c. 1010 \(S.B.2140\), § 14](#). Amended by [Stats.2001, c. 270 \(S.B.128\), § 2](#).)

<[General Materials \(GM\)](#) - References, Annotations, or Tables>

CROSS REFERENCES

Implementation date of Trial Court Employment Protection and Governance Act, see [Government Code § 71615](#).

West's Ann. Cal. Gov. Code § 71623.5, CA GOVT § 71623.5

Current through end (Ch. 909) of 2003-04 Reg.Sess. urgency legislation, Ch. 13 (end) of 1st Ex.Sess. urgency legislation, & Ch. 1 (end) of 2nd Ex.Sess. & the Oct. 7, 2003 election.

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